

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 195913

20

ORIGIN EB-11

INFO OCT-01 EUR-25 ISO-00 L-03 FTC-01 COME-00 TRSE-00

JUSE-00 CIAE-00 INR-11 NSAE-00 RSC-01 /053 R

DRAFTED BY EB/CBA/BP:RJBUSHNELL:VJW

APPROVED BY EB/CBA/BP:HJWINTER

EUR/CE - BAFLATIN (PHONE)

L/EB - MSPIEGEL (PHONE)

FTC - JTFISCHBACH (SUBST)

----- 059975

R 062047Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY BERN

INFO AMCONSUL ZURICH

LIMITED OFFICIAL USE STATE 195913

E.O. 11652: N/A

TAGS: ETRD, US, SZ

SUBJECT: ANTITRUST: FTC/NESTLE CASE

REF: A) BERN 2160; B) BERN 2318

1. FEDERAL TRADE COMMISSION (FTC) HAS INFORMED DEPARTMENT THAT FTC CHAIRMAN ENGMAN MET SEPTEMBER 5 WITH NESTLE CHAIRMAN LIOTARD-VOGT, NESTLE GENERAL COUNSEL, AND THEIR U.S. LAWYERS.

2. FTC CHAIRMAN INFORMED NESTLE OFFICIALS THAT THE COMMISSION DOES NOT RPT NOT PLAN TO FILE A FORMAL COMPLAINT CONCERNING NESTLE'S ACQUISITION OF LIBBY, MCNEILL, 7 & LIBBY. FTC HAS MADE NO DECISION CONCERNING NESTLE ACQUISITION OF STOUFFER, AND FTC CONFIRMED THAT NESTLE WILL STILL HAVE OPPORTUNITY TO PRESENT ITS CASE IN DETAIL TO JAMES T. HALVERSON, DIRECTOR OF COMPETITION, BEFORE FTC REACHES DECISION ON THAT MATTER. THUS, FTC HAS GIVEN NESTLE FULL SATISFACTION CONCERNING LIBBY ACQUISITION,
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 195913

AND HAS RESPONDED POSITIVELY TO NESTLE'S APPEALS IN EARLY

JUNE FOR A DELAY WHILE ADDITIONAL DOCUMENTS ON THE STOUFFER ACQUISITION WERE COLLECTED (REF B).

3. EMBASSY SHOULD INFORM GOS OF THESE DEVELOPMENTS, POINTING OUT THAT FTC ACTION IS FULLY RESPONSIVE TO JACOBI'S SUGGESTION REPORTED PARA 2 REF A. MOREOVER,

FTC DECISION RE LIBBY AND ITS HANDLING OF STOUFFER MATTER DEMONSTRATE CLEARLY THAT SWISS FIRMS RECEIVE FAIR, EVEN-HANDED TREATMENT UNDER U.S. LAW. INDEED, SEPTEMBER 5 MEETING WAS INDICATION OF STRONG USG EFFORT TO ENSURE THAT NESTLE WAS NOT DISCRIMINATED AGAINST BECAUSE IT WAS A FOREIGN OR SWISS FIRM.

4. SWISS EMBASSY CHARGE D'AFFAIRES EXCHAQUET HAS BEEN INFORMED OF THESE DEVELOPMENTS. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADE PROMOTION, BUSINESS MERGERS, COURTS, INVESTIGATIONS, FOREIGN INVESTMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: shawdg
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE195913
Document Source: CORE
Document Unique ID: 00
Drafter: RJBUSHNELL:VJW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740249-0323
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740967/aaaaceze.tel
Line Count: 77
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: A) BERN 2160; B) BERN 2318
Review Action: RELEASED, APPROVED
Review Authority: shawdg
Review Comment: n/a
Review Content Flags:
Review Date: 18 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 JUN 2002 by boyleja>; APPROVED <05 MAR 2003 by shawdg>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ANTITRUST: FTC/NESTLE CASE
TAGS: ETRD, US, SZ
To: BERN
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005